

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 282, Page 3, Section
2 174.712, Line 5, by inserting after all of said section and line, the following:

3
4 "302.060. 1. The director shall not issue any license and shall immediately deny any driving
5 privilege:

6 (1) To any person who is under the age of eighteen years, if such person operates a motor
7 vehicle in the transportation of persons or property as classified in section 302.015;

8 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

9 (3) To any person whose license has been suspended, during such suspension, or to any
10 person whose license has been revoked, until the expiration of one year after such license was
11 revoked;

12 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated and who at the time
14 of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination, has failed to pass
16 such examination;

17 (7) To any person who has an unsatisfied judgment against such person, as defined in chapter
18 303, until such judgment has been satisfied or the financial responsibility of such person, as defined
19 in section 303.120, has been established;

20 (8) To any person whose application shows that the person has been convicted within one
21 year prior to such application of violating the laws of this state relating to failure to stop after an
22 accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

23 (9) To any person who has been convicted more than twice of violating state law, or a county
24 or municipal ordinance where the defendant was represented by or waived the right to an attorney in
25 writing, relating to driving while intoxicated; except that, after the expiration of ten years from the
26 date of conviction of the last offense of violating such law or ordinance relating to driving while
27 intoxicated, a person who was so convicted may petition the circuit court of the county in which such
28 last conviction was rendered and the court shall review the person's habits and conduct since such
29 conviction, including the results of a criminal history check as defined in section 302.010. If the
30 court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has
31 no pending charges for any offense related to alcohol, controlled substances or drugs and has no
32 other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten

Action Taken _____ Date _____

1 years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to
2 the public safety of this state, the court [may] shall order the director to issue a license to the
3 petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to
4 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court
5 action more than one time;

6 (10) To any person who has pled guilty to or been convicted of the crime of involuntary
7 manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has
8 been convicted twice within a five-year period of violating state law, county or municipal ordinance
9 of driving while intoxicated, or any other intoxication-related traffic offense as defined in section
10 577.023, except that, after the expiration of five years from the date of conviction of the last offense
11 of violating such law or ordinance, a person who was so convicted may petition the circuit court of
12 the county in which such last conviction was rendered and the court shall review the person's habits
13 and conduct since such conviction, including the results of a criminal history check as defined in
14 section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been
15 found guilty of, and has no pending charges for any offense related to alcohol, controlled substances,
16 or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during
17 the preceding five years, and that the petitioner's habits and conduct show such petitioner to no
18 longer pose a threat to the public safety of this state, the court [may] shall order the director to issue a
19 license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections
20 302.010 to 302.540;

21 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
22 302.010 to 302.780, chapter 303, or section 544.046;

23 (12) To any person who is under the age of eighteen years, if such person's parents or legal
24 guardians file a certified document with the department of revenue stating that the director shall not
25 issue such person a driver's license. Each document filed by the person's parents or legal guardians
26 shall be made upon a form furnished by the director and shall include identifying information of the
27 person for whom the parents or legal guardians are denying the driver's license. The document shall
28 also contain identifying information of the person's parents or legal guardians. The document shall
29 be certified by the parents or legal guardians to be true and correct. This provision shall not apply to
30 any person who is legally emancipated. The parents or legal guardians may later file an additional
31 document with the department of revenue which reinstates the person's ability to receive a driver's
32 license.

33 2. Any person whose license is reinstated under the provisions of [subdivisions (9) and (10)]
34 subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director
35 of revenue that any motor vehicle operated by the person is equipped with a functioning, certified
36 ignition interlock device as a required condition of reinstatement. The ignition interlock device
37 required for reinstatement under this subsection and for obtaining a limited driving privilege under
38 paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo
39 identification technology and global positioning system features. The ignition interlock device shall
40 further be required to be maintained on all motor vehicles operated by the person for a period of not
41 less than six months immediately following the date of reinstatement. If the monthly monitoring

reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

[302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial

responsibility of such person, as defined in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

1 (12) To any person who is under the age of eighteen years, if such person's
2 parents or legal guardians file a certified document with the department of revenue
3 stating that the director shall not issue such person a driver's license. Each document
4 filed by the person's parents or legal guardians shall be made upon a form furnished
5 by the director and shall include identifying information of the person for whom the
6 parents or legal guardians are denying the driver's license. The document shall also
7 contain identifying information of the person's parents or legal guardians. The
8 document shall be certified by the parents or legal guardians to be true and correct.
9 This provision shall not apply to any person who is legally emancipated. The parents
10 or legal guardians may later file an additional document with the department of
11 revenue which reinstates the person's ability to receive a driver's license.

12 2. Any person whose license is reinstated under the provisions of subdivisions
13 (9) and (10) of subsection 1 of this section shall be required to file proof with the
14 director of revenue that any motor vehicle operated by the person is equipped with a
15 functioning, certified ignition interlock device as a required condition of
16 reinstatement. The ignition interlock device shall further be required to be
17 maintained on all motor vehicles operated by the person for a period of not less than
18 six months immediately following the date of reinstatement. If the person fails to
19 maintain such proof with the director, the license shall be suspended for the remainder
20 of the six-month period or until proof as required by this section is filed with the
21 director. Upon the completion of the six-month period, the license shall be shown as
22 reinstated, if the person is otherwise eligible.

23 3. Any person who petitions the court for reinstatement of his or her license
24 pursuant to subdivision (9) or (10) of subsection 1 of this section shall make
25 application with the Missouri state highway patrol as provided in section 43.540, and
26 shall submit two sets of fingerprints collected pursuant to standards as determined by
27 the highway patrol. One set of fingerprints shall be used by the highway patrol to
28 search the criminal history repository and the second set shall be forwarded to the
29 Federal Bureau of Investigation for searching the federal criminal history files. At the
30 time of application, the applicant shall supply to the highway patrol the court name
31 and case number for the court where he or she has filed his or her petition for
32 reinstatement. The applicant shall pay the fee for the state criminal history check
33 pursuant to section 43.530 and pay the appropriate fee determined by the Federal
34 Bureau of Investigation for the federal criminal history record. The Missouri
35 highway patrol, upon receipt of the results of the criminal history check, shall forward
36 a copy of the results to the circuit court designated by the applicant and to the
37 department. Notwithstanding the provisions of section 610.120, all records related to
38 any criminal history check shall be accessible and available to the director and the
39 court.]; and
40

41 Further amend said bill, Page 5, Section 302.302, Line 75, by inserting after the period, ".",

on said line the following:

" The operator shall be given the option to complete the driver-improvement program through an online or in-person course."; and

Further amend said bill, Page 5, Section 302.302, Line 90, by inserting after all of said section and line, the following:

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, [then the] there shall be no period of suspension [shall be fifteen days, followed by a seventy-five day]. However, in lieu of a suspension the person

1 shall instead complete a ninety-day period of restricted driving privilege. If the person fails to
2 maintain such proof of the device with the director of revenue as required, the restricted driving
3 privilege shall be terminated. Upon completion of such [seventy-five day] ninety-day period of
4 restricted driving privilege, upon compliance with other requirements of law, and upon filing of
5 proof of financial responsibility with the department of revenue, in accordance with chapter 303, the
6 license and driving privilege shall be reinstated. However, if the monthly monitoring reports during
7 such [seventy-five day] ninety-day period indicate that the ignition interlock device has registered a
8 confirmed blood alcohol concentration level above the alcohol setpoint established by the
9 department of transportation or such reports indicate that the ignition interlock device has been
10 tampered with or circumvented, then the license and driving privilege of such person shall not be
11 reinstated until the person completes an additional [seventy-five day] thirty-day period of restricted
12 driving privilege [without any such violations].

13 6. If the person fails to maintain proof of financial responsibility in accordance with chapter
14 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with
15 a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the
16 person's driving privilege and license shall be resuspended.

17 7. The director shall revoke the license and driving privilege of any person when the person's
18 driving record shows such person has accumulated twelve points in twelve months or eighteen points
19 in twenty-four months or twenty-four points in thirty-six months. The revocation period of any
20 person whose license and driving privilege have been revoked under the provisions of sections
21 302.010 to 302.540 and who has filed proof of financial responsibility with the department of
22 revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice
23 from the director of revenue after one year from the effective date of the revocation. Unless proof of
24 financial responsibility is filed with the department of revenue, except as provided in subsection 2 of
25 section 302.541, the revocation shall remain in effect for a period of two years from its effective
26 date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303,
27 the person's license and driving privilege shall be rerevoked. Any person whose license and driving
28 privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt
29 of the notice of termination of the revocation from the director, pass the complete driver examination
30 and apply for a new license before again operating a motor vehicle upon the highways of this state.

31 8. If, prior to conviction for an offense that would require suspension or revocation of a
32 person's license under the provisions of this section, the person's total points accumulated are
33 reduced, pursuant to the provisions of section 302.306, below the number of points required for
34 suspension or revocation pursuant to the provisions of this section, then the person's license shall not
35 be suspended or revoked until the necessary points are again obtained and accumulated.

36 9. If any person shall neglect or refuse to surrender the person's license, as provided herein,
37 the director shall direct the state highway patrol or any peace or police officer to secure possession
38 thereof and return it to the director.

39 10. Upon the issuance of a reinstatement or termination notice after a suspension or
40 revocation of any person's license and driving privilege under the provisions of sections 302.010 to
41 302.540, the accumulated point value shall be reduced to four points, except that the points of any

1 person serving as a member of the Armed Forces of the United States outside the limits of the United
2 States during a period of suspension or revocation shall be reduced to zero upon the date of the
3 reinstatement or termination of notice. It shall be the responsibility of such member of the Armed
4 Forces to submit copies of official orders to the director of revenue to substantiate such overseas
5 service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the
6 effective date of the four points remaining on the record upon reinstatement or termination shall be
7 the date of the reinstatement or termination notice.

8 11. No credit toward reduction of points shall be given during periods of suspension or
9 revocation or any period of driving under a limited driving privilege granted by a court or the
10 director of revenue.

11 12. Any person or nonresident whose license or privilege to operate a motor vehicle in this
12 state has been suspended or revoked under this or any other law shall, before having the license or
13 privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty
14 dollars which shall be in addition to all other fees provided by law.

15 13. Notwithstanding any other provision of law to the contrary, if after two years from the
16 effective date of any suspension or revocation issued under this chapter, the person or nonresident
17 has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or
18 privilege to operate a motor vehicle in this state.

19 14. No person who has had a license to operate a motor vehicle suspended or revoked as a
20 result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of
21 section 302.302 shall have that license reinstated until such person has participated in and
22 successfully completed a substance abuse traffic offender program defined in section 302.010, or a
23 program determined to be comparable by the department of mental health. Assignment
24 recommendations, based upon the needs assessment as described in subdivision [(22)] (24) of section
25 302.010, shall be delivered in writing to the person with written notice that the person is entitled to
26 have such assignment recommendations reviewed by the court if the person objects to the
27 recommendations. The person may file a motion in the associate division of the circuit court of the
28 county in which such assignment was given, on a printed form provided by the state courts
29 administrator, to have the court hear and determine such motion pursuant to the provisions of chapter
30 517. The motion shall name the person or entity making the needs assessment as the respondent and
31 a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon
32 hearing the motion, the court may modify or waive any assignment recommendation that the court
33 determines to be unwarranted based upon a review of the needs assessment, the person's driving
34 record, the circumstances surrounding the offense, and the likelihood of the person committing a like
35 offense in the future, except that the court may modify but may not waive the assignment to an
36 education or rehabilitation program of a person determined to be a prior or persistent offender as
37 defined in section 577.023 or of a person determined to have operated a motor vehicle with
38 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the
39 court determination of the motion shall satisfy the provisions of this section for the purpose of
40 reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at
41 any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

1 15. The fees for the program authorized in subsection 14 of this section, or a portion thereof
2 to be determined by the department of mental health, shall be paid by the person enrolled in the
3 program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the
4 program, a supplemental fee in an amount to be determined by the department of mental health for
5 the purposes of funding the substance abuse traffic offender program defined in section 302.010 and
6 section 577.001 or a program determined to be comparable by the department of mental health. The
7 administrator of the program shall remit to the division of alcohol and drug abuse of the department
8 of mental health on or before the fifteenth day of each month the supplemental fee for all persons
9 enrolled in the program, less two percent for administrative costs. Interest shall be charged on any
10 unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this
11 section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions
12 of section 32.065, plus three percentage points. The supplemental fees and any interest received by
13 the department of mental health pursuant to this section shall be deposited in the mental health
14 earnings fund which is created in section 630.053.

15 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the
16 department of mental health the supplemental fees and interest for all persons enrolled in the
17 program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued
18 on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest,
19 and penalties are not remitted to the division of alcohol and drug abuse of the department of mental
20 health within six months of the due date, the attorney general of the state of Missouri shall initiate
21 appropriate action of the collection of said fees and interest accrued. The court shall assess attorney
22 fees and court costs against any delinquent program.

23 17. Any person who has had a license to operate a motor vehicle suspended or revoked as a
24 result of an assessment of points for a [violation under subdivision (9) of subsection 1 of section
25 302.302] conviction for an intoxication-related traffic offense as defined under section 577.023, and
26 who has a prior alcohol-related enforcement contact as defined under section 302.525, shall be
27 required to file proof with the director of revenue that any motor vehicle operated by the person is
28 equipped with a functioning, certified ignition interlock device as a required condition of
29 reinstatement of the license. The ignition interlock device shall further be required to be maintained
30 on all motor vehicles operated by the person for a period of not less than six months immediately
31 following the date of reinstatement. If the monthly monitoring reports show that the ignition
32 interlock device has registered any confirmed blood alcohol concentration readings above the
33 alcohol setpoint established by the department of transportation or that the person has tampered with
34 or circumvented the ignition interlock device, then the period for which the person must maintain the
35 ignition interlock device following the date of reinstatement shall be extended for an additional six
36 months. If the person fails to maintain such proof with the director, the license shall be resuspended
37 or revoked and the person shall be guilty of a class A misdemeanor.

38
39 [302.304. 1. The director shall notify by ordinary mail any operator of the
40 point value charged against the operator's record when the record shows four or more
41 points have been accumulated in a twelve-month period.

1 2. In an action to suspend or revoke a license or driving privilege under this
2 section points shall be accumulated on the date of conviction. No case file of any
3 conviction for a driving violation for which points may be assessed pursuant to
4 section 302.302 may be closed until such time as a copy of the record of such
5 conviction is forwarded to the department of revenue.

6 3. The director shall suspend the license and driving privileges of any person
7 whose driving record shows the driver has accumulated eight points in eighteen
8 months.

9 4. The license and driving privilege of any person whose license and driving
10 privilege have been suspended under the provisions of sections 302.010 to 302.540
11 except those persons whose license and driving privilege have been suspended under
12 the provisions of subdivision (8) of subsection 1 of section 302.302 or has
13 accumulated sufficient points together with a conviction under subdivision (10) of
14 subsection 1 of section 302.302 and who has filed proof of financial responsibility
15 with the department of revenue, in accordance with chapter 303, and is otherwise
16 eligible, shall be reinstated as follows:

17 (1) In the case of an initial suspension, thirty days after the effective date of
18 the suspension;

19 (2) In the case of a second suspension, sixty days after the effective date of
20 the suspension;

21 (3) In the case of the third and subsequent suspensions, ninety days after the
22 effective date of the suspension.

23 Unless proof of financial responsibility is filed with the department of revenue, a
24 suspension shall continue in effect for two years from its effective date.

25 5. The period of suspension of the driver's license and driving privilege of
26 any person under the provisions of subdivision (8) of subsection 1 of section 302.302
27 or who has accumulated sufficient points together with a conviction under subdivision
28 (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day
29 period of restricted driving privilege as defined in section 302.010. Upon completion
30 of such period of restricted driving privilege, upon compliance with other
31 requirements of law and upon filing of proof of financial responsibility with the
32 department of revenue, in accordance with chapter 303, the license and driving
33 privilege shall be reinstated.

34 6. If the person fails to maintain proof of financial responsibility in
35 accordance with chapter 303, the person's driving privilege and license shall be
36 resuspended.

37 7. The director shall revoke the license and driving privilege of any person
38 when the person's driving record shows such person has accumulated twelve points in
39 twelve months or eighteen points in twenty-four months or twenty-four points in
40 thirty-six months. The revocation period of any person whose license and driving
41 privilege have been revoked under the provisions of sections 302.010 to 302.540 and

1 who has filed proof of financial responsibility with the department of revenue in
2 accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice
3 from the director of revenue after one year from the effective date of the revocation.
4 Unless proof of financial responsibility is filed with the department of revenue,
5 except as provided in subsection 2 of section 302.541, the revocation shall remain in
6 effect for a period of two years from its effective date. If the person fails to maintain
7 proof of financial responsibility in accordance with chapter 303, the person's license
8 and driving privilege shall be rerevoked. Any person whose license and driving
9 privilege have been revoked under the provisions of sections 302.010 to 302.540
10 shall, upon receipt of the notice of termination of the revocation from the director,
11 pass the complete driver examination and apply for a new license before again
12 operating a motor vehicle upon the highways of this state.

13 8. If, prior to conviction for an offense that would require suspension or
14 revocation of a person's license under the provisions of this section, the person's total
15 points accumulated are reduced, pursuant to the provisions of section 302.306, below
16 the number of points required for suspension or revocation pursuant to the provisions
17 of this section, then the person's license shall not be suspended or revoked until the
18 necessary points are again obtained and accumulated.

19 9. If any person shall neglect or refuse to surrender the person's license, as
20 provided herein, the director shall direct the state highway patrol or any peace or
21 police officer to secure possession thereof and return it to the director.

22 10. Upon the issuance of a reinstatement or termination notice after a
23 suspension or revocation of any person's license and driving privilege under the
24 provisions of sections 302.010 to 302.540, the accumulated point value shall be
25 reduced to four points, except that the points of any person serving as a member of
26 the Armed Forces of the United States outside the limits of the United States during a
27 period of suspension or revocation shall be reduced to zero upon the date of the
28 reinstatement or termination of notice. It shall be the responsibility of such member
29 of the Armed Forces to submit copies of official orders to the director of revenue to
30 substantiate such overseas service. Any other provision of sections 302.010 to
31 302.540 to the contrary notwithstanding, the effective date of the four points
32 remaining on the record upon reinstatement or termination shall be the date of the
33 reinstatement or termination notice.

34 11. No credit toward reduction of points shall be given during periods of
35 suspension or revocation or any period of driving under a limited driving privilege
36 granted by a court or the director of revenue.

37 12. Any person or nonresident whose license or privilege to operate a motor
38 vehicle in this state has been suspended or revoked under this or any other law shall,
39 before having the license or privilege to operate a motor vehicle reinstated, pay to the
40 director a reinstatement fee of twenty dollars which shall be in addition to all other
41 fees provided by law.

1 13. Notwithstanding any other provision of law to the contrary, if after two
2 years from the effective date of any suspension or revocation issued under this
3 chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars,
4 the director shall reinstate such license or privilege to operate a motor vehicle in this
5 state.

6 14. No person who has had a license to operate a motor vehicle suspended or
7 revoked as a result of an assessment of points for a violation under subdivision (8),
8 (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until
9 such person has participated in and successfully completed a substance abuse traffic
10 offender program defined in section 302.010, or a program determined to be
11 comparable by the department of mental health. Assignment recommendations,
12 based upon the needs assessment as described in subdivision (22) of section 302.010,
13 shall be delivered in writing to the person with written notice that the person is
14 entitled to have such assignment recommendations reviewed by the court if the person
15 objects to the recommendations. The person may file a motion in the associate
16 division of the circuit court of the county in which such assignment was given, on a
17 printed form provided by the state courts administrator, to have the court hear and
18 determine such motion pursuant to the provisions of chapter 517. The motion shall
19 name the person or entity making the needs assessment as the respondent and a copy
20 of the motion shall be served upon the respondent in any manner allowed by law.
21 Upon hearing the motion, the court may modify or waive any assignment
22 recommendation that the court determines to be unwarranted based upon a review of
23 the needs assessment, the person's driving record, the circumstances surrounding the
24 offense, and the likelihood of the person committing a like offense in the future,
25 except that the court may modify but may not waive the assignment to an education
26 or rehabilitation program of a person determined to be a prior or persistent offender as
27 defined in section 577.023 or of a person determined to have operated a motor vehicle
28 with fifteen-hundredths of one percent or more by weight in such person's blood.
29 Compliance with the court determination of the motion shall satisfy the provisions of
30 this section for the purpose of reinstating such person's license to operate a motor
31 vehicle. The respondent's personal appearance at any hearing conducted pursuant to
32 this subsection shall not be necessary unless directed by the court.

33 15. The fees for the program authorized in subsection 14 of this section, or a
34 portion thereof to be determined by the department of mental health, shall be paid by
35 the person enrolled in the program. Any person who is enrolled in the program shall
36 pay, in addition to any fee charged for the program, a supplemental fee in an amount
37 to be determined by the department of mental health for the purposes of funding the
38 substance abuse traffic offender program defined in section 302.010 and section
39 577.001 or a program determined to be comparable by the department of mental
40 health. The administrator of the program shall remit to the division of alcohol and
41 drug abuse of the department of mental health on or before the fifteenth day of each

1 month the supplemental fee for all persons enrolled in the program, less two percent
2 for administrative costs. Interest shall be charged on any unpaid balance of the
3 supplemental fees due the division of alcohol and drug abuse pursuant to this section
4 and shall accrue at a rate not to exceed the annual rate established pursuant to the
5 provisions of section 32.065, plus three percentage points. The supplemental fees and
6 any interest received by the department of mental health pursuant to this section shall
7 be deposited in the mental health earnings fund which is created in section 630.053.

8 16. Any administrator who fails to remit to the division of alcohol and drug
9 abuse of the department of mental health the supplemental fees and interest for all
10 persons enrolled in the program pursuant to this section shall be subject to a penalty
11 equal to the amount of interest accrued on the supplemental fees due the division
12 pursuant to this section. If the supplemental fees, interest, and penalties are not
13 remitted to the division of alcohol and drug abuse of the department of mental health
14 within six months of the due date, the attorney general of the state of Missouri shall
15 initiate appropriate action of the collection of said fees and interest accrued. The
16 court shall assess attorney fees and court costs against any delinquent program.

17 17. Any person who has had a license to operate a motor vehicle suspended or
18 revoked as a result of an assessment of points for a violation under subdivision (9) of
19 subsection 1 of section 302.302 shall be required to file proof with the director of
20 revenue that any motor vehicle operated by the person is equipped with a functioning,
21 certified ignition interlock device as a required condition of reinstatement of the
22 license. The ignition interlock device shall further be required to be maintained on all
23 motor vehicles operated by the person for a period of not less than six months
24 immediately following the date of reinstatement. If the person fails to maintain such
25 proof with the director, the license shall be resuspended or revoked and the person
26 shall be guilty of a class A misdemeanor.]

27 [302.309. 1. Whenever any license is suspended pursuant to sections 302.302
28 to 302.309, the director of revenue shall return the license to the operator immediately
29 upon the termination of the period of suspension and upon compliance with the
30 requirements of chapter 303.

31 2. Any operator whose license is revoked pursuant to these sections, upon the
32 termination of the period of revocation, shall apply for a new license in the manner
33 prescribed by law.

34 3. (1) All circuit courts, the director of revenue, or a commissioner operating
35 under section 478.007 shall have jurisdiction to hear applications and make eligibility
36 determinations granting limited driving privileges. Any application may be made in
37 writing to the director of revenue and the person's reasons for requesting the limited
38 driving privilege shall be made therein.

39 (2) When any court of record having jurisdiction or the director of revenue
40 finds that an operator is required to operate a motor vehicle in connection with any of
41 the following:

1 (a) A business, occupation, or employment;
2 (b) Seeking medical treatment for such operator;
3 (c) Attending school or other institution of higher education;
4 (d) Attending alcohol or drug treatment programs;
5 (e) Seeking the required services of a certified ignition interlock device
6 provider; or
7 (f) Any other circumstance the court or director finds would create an undue
8 hardship on the operator;
9 the court or director may grant such limited driving privilege as the circumstances of
10 the case justify if the court or director finds undue hardship would result to the
11 individual, and while so operating a motor vehicle within the restrictions and
12 limitations of the limited driving privilege the driver shall not be guilty of operating a
13 motor vehicle without a valid license.

14 (3) An operator may make application to the proper court in the county in
15 which such operator resides or in the county in which is located the operator's
16 principal place of business or employment. Any application for a limited driving
17 privilege made to a circuit court shall name the director as a party defendant and shall
18 be served upon the director prior to the grant of any limited privilege, and shall be
19 accompanied by a copy of the applicant's driving record as certified by the director.
20 Any applicant for a limited driving privilege shall have on file with the department of
21 revenue proof of financial responsibility as required by chapter 303. Any application
22 by a person who transports persons or property as classified in section 302.015 may
23 be accompanied by proof of financial responsibility as required by chapter 303, but if
24 proof of financial responsibility does not accompany the application, or if the
25 applicant does not have on file with the department of revenue proof of financial
26 responsibility, the court or the director has discretion to grant the limited driving
27 privilege to the person solely for the purpose of operating a vehicle whose owner has
28 complied with chapter 303 for that vehicle, and the limited driving privilege must
29 state such restriction. When operating such vehicle under such restriction the person
30 shall carry proof that the owner has complied with chapter 303 for that vehicle.

31 (4) No limited driving privilege shall be issued to any person otherwise
32 eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on
33 a license revocation resulting from a conviction under subdivision (9) of subsection 1
34 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of
35 this subsection, until the applicant has filed proof with the department of revenue that
36 any motor vehicle operated by the person is equipped with a functioning, certified
37 ignition interlock device as a required condition of limited driving privilege.

38 (5) The court order or the director's grant of the limited or restricted driving
39 privilege shall indicate the termination date of the privilege, which shall be not later
40 than the end of the period of suspension or revocation. A copy of any court order
41 shall be sent by the clerk of the court to the director, and a copy shall be given to the

1 driver which shall be carried by the driver whenever such driver operates a motor
2 vehicle. The director of revenue upon granting a limited driving privilege shall give a
3 copy of the limited driving privilege to the applicant. The applicant shall carry a copy
4 of the limited driving privilege while operating a motor vehicle. A conviction which
5 results in the assessment of points pursuant to section 302.302, other than a violation
6 of a municipal stop sign ordinance where no accident is involved, against a driver
7 who is operating a vehicle pursuant to a limited driving privilege terminates the
8 privilege, as of the date the points are assessed to the person's driving record. If the
9 date of arrest is prior to the issuance of the limited driving privilege, the privilege
10 shall not be terminated. Failure of the driver to maintain proof of financial
11 responsibility, as required by chapter 303, or to maintain proof of installation of a
12 functioning, certified ignition interlock device, as applicable, shall terminate the
13 privilege. The director shall notify by ordinary mail the driver whose privilege is so
14 terminated.

15 (6) Except as provided in subdivision (8) of this subsection, no person is
16 eligible to receive a limited driving privilege who at the time of application for a
17 limited driving privilege has previously been granted such a privilege within the
18 immediately preceding five years, or whose license has been suspended or revoked
19 for the following reasons:

20 (a) A conviction of violating the provisions of section 577.010 or 577.012, or
21 any similar provision of any federal or state law, or a municipal or county law where
22 the judge in such case was an attorney and the defendant was represented by or
23 waived the right to an attorney in writing, until the person has completed the first
24 thirty days of a suspension or revocation imposed pursuant to this chapter;

25 (b) A conviction of any felony in the commission of which a motor vehicle
26 was used;

27 (c) Ineligibility for a license because of the provisions of subdivision (1), (2),
28 (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

29 (d) Because of operating a motor vehicle under the influence of narcotic
30 drugs, a controlled substance as defined in chapter 195, or having left the scene of an
31 accident as provided in section 577.060;

32 (e) Due to a revocation for the first time for failure to submit to a chemical
33 test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any
34 other state, if such person has not completed the first ninety days of such revocation;

35 (f) Violation more than once of the provisions of section 577.041 or a similar
36 implied consent law of any other state; or

37 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and who
38 has not completed the first thirty days of such suspension, provided the person is not
39 otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to
40 subsection 2 of section 302.525 if such person has not completed such revocation.

41 (7) No person who possesses a commercial driver's license shall receive a

1 limited driving privilege issued for the purpose of operating a commercial motor
2 vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or
3 disqualified. Nothing in this section shall prohibit the issuance of a limited driving
4 privilege for the purpose of operating a noncommercial motor vehicle provided that
5 pursuant to the provisions of this section, the applicant is not otherwise ineligible for
6 a limited driving privilege.

7 (8) (a) Provided that pursuant to the provisions of this section, the applicant
8 is not otherwise ineligible for a limited driving privilege, a circuit court or the director
9 may, in the manner prescribed in this subsection, allow a person who has had such
10 person's license to operate a motor vehicle revoked where that person cannot obtain a
11 new license for a period of ten years, as prescribed in subdivision (9) of subsection 1
12 of section 302.060, to apply for a limited driving privilege pursuant to this subsection
13 if such person has served at least three years of such disqualification or revocation.
14 Such person shall present evidence satisfactory to the court or the director that such
15 person has not been convicted of any offense related to alcohol, controlled substances
16 or drugs during the preceding three years and that the person's habits and conduct
17 show that the person no longer poses a threat to the public safety of this state. The
18 court or the director shall review the results of a criminal history check prior to
19 granting any limited privilege under this subdivision. If the court or the director finds
20 that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a
21 pending charge for any offense related to alcohol, controlled substances, or drugs, or
22 has any other alcohol-related enforcement contact as defined in section 302.525
23 during the preceding three years, the court or the director shall not grant a limited
24 driving privilege to the applicant.

25 (b) Provided that pursuant to the provisions of this section, the applicant is
26 not otherwise ineligible for a limited driving privilege or convicted of involuntary
27 manslaughter while operating a motor vehicle in an intoxicated condition, a circuit
28 court or the director may, in the manner prescribed in this subsection, allow a person
29 who has had such person's license to operate a motor vehicle revoked where that
30 person cannot obtain a new license for a period of five years because of two
31 convictions of driving while intoxicated, as prescribed in subdivision (10) of
32 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to
33 this subsection if such person has served at least two years of such disqualification or
34 revocation. Such person shall present evidence satisfactory to the court or the
35 director that such person has not been convicted of any offense related to alcohol,
36 controlled substances or drugs during the preceding two years and that the person's
37 habits and conduct show that the person no longer poses a threat to the public safety
38 of this state. The court or the director shall review the results of a criminal history
39 check prior to granting any limited privilege under this subdivision. If the court or
40 director finds that the petitioner has been convicted, pled guilty to, or been found
41 guilty of, or has a pending charge for any offense related to alcohol, controlled

1 substances, or drugs, or has any other alcohol-related enforcement contact as defined
2 in section 302.525 during the preceding two years, the court or the director shall not
3 grant a limited driving privilege to the applicant. Any person who is denied a license
4 permanently in this state because of an alcohol-related conviction subsequent to a
5 restoration of such person's driving privileges pursuant to subdivision (9) of section
6 302.060 shall not be eligible for limited driving privilege pursuant to the provisions
7 of this subdivision.

8 (9) A DWI docket or court established under section 478.007 may grant a
9 limited driving privilege to a participant in or graduate of the program who would
10 otherwise be ineligible for such privilege under another provision of law. The DWI
11 docket or court shall not grant a limited driving privilege to a participant during his or
12 her initial forty-five days of participation.

13 4. Any person who has received notice of denial of a request of limited
14 driving privilege by the director of revenue may make a request for a review of the
15 director's determination in the circuit court of the county in which the person resides
16 or the county in which is located the person's principal place of business or
17 employment within thirty days of the date of mailing of the notice of denial. Such
18 review shall be based upon the records of the department of revenue and other
19 competent evidence and shall be limited to a review of whether the applicant was
20 statutorily entitled to the limited driving privilege.

21 5. Any person who petitions a court or makes application with the director for
22 a limited driving privilege pursuant to paragraph (a) or (b) of subdivision (8) of
23 subsection 3 of this section shall make application with the Missouri state highway
24 patrol as provided in section 43.540 and shall submit two sets of fingerprints collected
25 pursuant to standards as determined by the highway patrol. One set of fingerprints
26 shall be used by the highway patrol to search the criminal history repository and the
27 second set shall be forwarded to the Federal Bureau of Investigation for searching the
28 federal criminal history files. At the time of application, the applicant shall supply to
29 the highway patrol the court name and case number for the court where he or she has
30 filed his or her petition for limited driving privileges. The applicant shall pay the fee
31 for the state criminal history record information pursuant to section 43.530 and pay
32 the appropriate fee determined by the Federal Bureau of Investigation for the federal
33 criminal history record. The Missouri highway patrol, upon receipt of the results of
34 the criminal history check, shall forward the results to the circuit court designated by
35 the applicant and to the department. Notwithstanding the provisions of section
36 610.120, all records related to any criminal history check shall be accessible and
37 available to the director and the court.

38 6. The director of revenue shall promulgate rules and regulations necessary to
39 carry out the provisions of this section. Any rule or portion of a rule, as that term is
40 defined in section 536.010, that is created under the authority delegated in this section
41 shall become effective only if it complies with and is subject to all of the provisions

of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.]

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges, except as provided under subdivision (8) of this subsection. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator[;],

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving

1 privilege to the person solely for the purpose of operating a vehicle whose owner has complied with
 2 chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When
 3 operating such vehicle under such restriction the person shall carry proof that the owner has
 4 complied with chapter 303 for that vehicle.

5 (4) No limited driving privilege shall be issued to any person otherwise eligible under the
 6 provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting
 7 from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under
 8 paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under paragraph (h)
 9 of subdivision (6) of this subsection, until the applicant has filed proof with the department of
 10 revenue that any motor vehicle operated by the person is equipped with a functioning, certified
 11 ignition interlock device as a required condition of limited driving privilege. The ignition interlock
 12 device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8)
 13 of this subsection shall have photo identification technology and global positioning system features.

14 (5) The court order or the director's grant of the limited or restricted driving privilege shall
 15 indicate the termination date of the privilege, which shall be not later than the end of the period of
 16 suspension or revocation. The court order or the director's grant of the limited or restricted driving
 17 privilege shall also indicate whether a functioning, certified ignition interlock device is required as a
 18 condition of operating a motor vehicle with the limited driving privilege. A copy of any court order
 19 shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which
 20 shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue
 21 upon granting a limited driving privilege shall give a copy of the limited driving privilege to the
 22 applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor
 23 vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other
 24 than a violation of a municipal stop sign ordinance where no accident is involved, against a driver
 25 who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the
 26 date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance
 27 of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to
 28 maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of
 29 installation of a functioning, certified ignition interlock device, as applicable, shall terminate the
 30 privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

31 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a
 32 limited driving privilege [who] whose license at the time of application [for a limited driving
 33 privilege has previously been granted such a privilege within the immediately preceding five years,
 34 or whose license] has been suspended or revoked for the following reasons:

35 (a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar
 36 provision of any federal or state law, or a municipal or county law where the judge in such case was
 37 an attorney and the defendant was represented by or waived the right to an attorney in writing, until
 38 the person has completed the first thirty days of a suspension or revocation imposed pursuant to this
 39 chapter;

40 (b) A conviction of any felony in the commission of which a motor vehicle was used;

41 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6),

1 (7), (8), (9), (10) or (11) of subsection 1 of section 302.060;

2 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled
3 substance as defined in chapter 195, or having left the scene of an accident as provided in section
4 577.060;

5 (e) Due to a revocation for [the first time for] failure to submit to a chemical test pursuant to
6 section 577.041 or due to a refusal to submit to a chemical test in any other state, [if] unless such
7 person has [not] completed the first ninety days of such revocation[;

8 (f) Violation more than once of the provisions of section 577.041 or a similar implied
9 consent law of any other state] and files proof of installation with the department of revenue that any
10 vehicle operated by such person is equipped with a functioning, certified ignition interlock device,
11 provided the person is not otherwise ineligible for a limited driving privilege;

12 [(g)] (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
13 completed the first thirty days of such suspension, provided the person is not otherwise ineligible for
14 a limited driving privilege; or

15 [(h)] (g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has
16 not completed the first forty-five days of such revocation, provided the person is not otherwise
17 ineligible for a limited driving privilege.

18 (7) No person who possesses a commercial driver's license shall receive a limited driving
19 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving
20 privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall
21 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial
22 motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise
23 ineligible for a limited driving privilege.

24 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise
25 ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed
26 in this subsection, allow a person who has had such person's license to operate a motor vehicle
27 revoked where that person cannot obtain a new license for a period of ten years, as prescribed in
28 subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant
29 to this subsection [if such person has served at least forty-five days of such disqualification or
30 revocation]. Such person shall present evidence satisfactory to the court or the director that such
31 [person has not been convicted of any offense related to alcohol, controlled substances or drugs
32 during the preceding forty-five days and that the] person's habits and conduct show that the person
33 no longer poses a threat to the public safety of this state. A circuit court shall grant a limited driving
34 privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed
35 proof of installation of a certified ignition interlock device, and has had no alcohol-related
36 enforcement contacts since the alcohol-related enforcement contact that resulted in the person's
37 license denial.

38 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
39 ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a
40 motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner
41 prescribed in this subsection, allow a person who has had such person's license to operate a motor

1 vehicle revoked where that person cannot obtain a new license for a period of five years because of
 2 two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of
 3 section 302.060, to apply for a limited driving privilege pursuant to this subsection [if such person
 4 has served at least forty-five days of such disqualification or revocation]. Such person shall present
 5 evidence satisfactory to the court or the director that such [person has not been convicted of any
 6 offense related to alcohol, controlled substances or drugs during the preceding forty-five days and
 7 that the] person's habits and conduct show that the person no longer poses a threat to the public
 8 safety of this state. Any person who is denied a license permanently in this state because of an
 9 alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to
 10 subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the
 11 provisions of this subdivision. A circuit court shall grant a limited driving privilege to any
 12 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of
 13 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
 14 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

15 (9) A DWI docket or court established under section 478.007 may grant a limited driving
 16 privilege to a participant in or graduate of the program who would otherwise be ineligible for such
 17 privilege under another provision of law. The DWI docket or court shall not grant a limited driving
 18 privilege to a participant during his or her initial forty-five days of participation.

19 4. Any person who has received notice of denial of a request of limited driving privilege by
 20 the director of revenue may make a request for a review of the director's determination in the circuit
 21 court of the county in which the person resides or the county in which is located the person's
 22 principal place of business or employment within thirty days of the date of mailing of the notice of
 23 denial. Such review shall be based upon the records of the department of revenue and other
 24 competent evidence and shall be limited to a review of whether the applicant was statutorily entitled
 25 to the limited driving privilege.

26 5. The director of revenue shall promulgate rules and regulations necessary to carry out the
 27 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
 28 that is created under the authority delegated in this section shall become effective only if it complies
 29 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
 30 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 31 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
 32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 33 adopted after August 28, 2001, shall be invalid and void."; and

34
 35 Further amend said bill, Page 6, Section 302.341, Line 46, by inserting after all of said
 36 section and line, the following:

37
 38 "302.525. 1. The license suspension or revocation shall become effective fifteen days after
 39 the subject person has received the notice of suspension or revocation as provided in section
 40 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in
 41 section 302.515. If a request for a hearing is received by or postmarked to the department within that

1 fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final
2 order is issued following the hearing; provided, that any delay in the hearing which is caused or
3 requested by the subject person or counsel representing that person without good cause shown shall
4 not result in a stay of the suspension or revocation during the period of delay.

5 2. The period of license suspension or revocation under this section shall be as follows:

6 (1) If the person's driving record shows no prior alcohol-related enforcement contacts during
7 the immediately preceding five years, the period of suspension shall be thirty days after the effective
8 date of suspension, followed by a sixty-day period of restricted driving privilege as defined in
9 section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be
10 issued until he or she has filed proof of financial responsibility with the department of revenue, in
11 accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate
12 whether a functioning, certified ignition interlock device is required as a condition of operating a
13 motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person
14 shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall
15 restricted driving privileges be issued pursuant to this section or section 302.535 until the person has
16 completed the first thirty days of a suspension under this section. If a person otherwise subject to the
17 provisions of this subdivision files proof of installation with the department of revenue that any
18 vehicle [operated] that he or she operates is equipped with a functioning, certified ignition interlock
19 device, [then the] there shall be no period of suspension [shall be fifteen days, followed by a
20 seventy-five day]. However, in lieu of a suspension the person shall instead complete a ninety-day
21 period of restricted driving privilege. Upon completion of such [seventy-five day] ninety-day period
22 of restricted driving privilege, [upon] compliance with other requirements of law, and [upon] filing
23 of proof of financial responsibility with the department of revenue, in accordance with chapter 303,
24 the license and driving privilege shall be reinstated. However, if the monthly monitoring reports
25 during such [seventy-five day] ninety-day period indicate that the ignition interlock device has
26 registered a confirmed blood alcohol concentration level above the alcohol setpoint established by
27 the department of transportation or such reports indicate that the ignition interlock device has been
28 tampered with or circumvented, then the license and driving privilege of such person shall not be
29 reinstated until the person completes an additional [seventy-five day] thirty-day period of restricted
30 driving privilege [without any such violations]. If the person fails to maintain such proof of the
31 device with the director of revenue as required, the restricted driving privilege shall be terminated;

32 (2) The period of revocation shall be one year if the person's driving record shows one or
33 more prior alcohol-related enforcement contacts during the immediately preceding five years;

34 (3) In no case shall restricted driving privileges be issued under this section to any person
35 whose driving record shows one or more prior alcohol-related enforcement contacts until the person
36 has completed the first thirty days of a suspension under this section and has filed proof with the
37 department of revenue that any motor vehicle operated by the person is equipped with a functioning,
38 certified ignition interlock device as a required condition of the restricted driving privilege. If the
39 person fails to maintain such proof the restricted driving privilege shall be terminated.

40 3. For purposes of this section, "alcohol-related enforcement contacts" shall include any
41 suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in

1 this or any other state for a refusal to submit to chemical testing under an implied consent law, and
2 any conviction in this or any other state for a violation which involves driving while intoxicated,
3 driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful
4 alcohol concentration.

5 4. Where a license is suspended or revoked under this section and the person is also
6 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
7 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
8 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section
9 and any other suspension or revocation arising from such convictions shall be imposed, but the
10 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any
11 other suspension or revocation arising from such convictions, and the total period of suspension or
12 revocation shall not exceed the longer of the two suspension or revocation periods. 5. Any
13 person who has had a license to operate a motor vehicle revoked under this section or suspended
14 under this section with one or more prior alcohol-related enforcement contacts showing on their
15 driver record shall be required to file proof with the director of revenue that any motor vehicle
16 operated by that person is equipped with a functioning, certified ignition interlock device as a
17 required condition of reinstatement. The ignition interlock device shall further be required to be
18 maintained on all motor vehicles operated by the person for a period of not less than six months
19 immediately following the date of reinstatement. If the monthly monitoring reports show that the
20 ignition interlock device has registered any confirmed blood alcohol concentration readings above
21 the alcohol setpoint established by the department of transportation or that the person has tampered
22 with or circumvented the ignition interlock device, then the period for which the person must
23 maintain the ignition interlock device following the date of reinstatement shall be extended for an
24 additional six months. If the person fails to maintain such proof with the director, the license shall be
25 resuspended or revoked, as applicable.

26
27 [302.525. 1. The license suspension or revocation shall become effective fifteen days
28 after the subject person has received the notice of suspension or revocation as provided in
29 section 302.520, or is deemed to have received the notice of suspension or revocation by mail
30 as provided in section 302.515. If a request for a hearing is received by or postmarked to the
31 department within that fifteen-day period, the effective date of the suspension or revocation
32 shall be stayed until a final order is issued following the hearing; provided, that any delay in
33 the hearing which is caused or requested by the subject person or counsel representing that
34 person without good cause shown shall not result in a stay of the suspension or revocation
35 during the period of delay.

36 2. The period of license suspension or revocation under this section shall be
37 as follows:

38 (1) If the person's driving record shows no prior alcohol-related enforcement
39 contacts during the immediately preceding five years, the period of suspension shall
40 be thirty days after the effective date of suspension, followed by a sixty-day period of
41 restricted driving privilege as defined in section 302.010 and issued by the director of
42 revenue. The restricted driving privilege shall not be issued until he or she has filed
43 proof of financial responsibility with the department of revenue, in accordance with

chapter 303, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.]"; and

1
2 Further amend said bill, Page 9, Section 304.894, Line 40, by inserting after all of said
3 section and line, the following:
4

5 "476.385. 1. The judges of the supreme court may appoint a committee consisting of at least
6 seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines
7 to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304,
8 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The
9 associate circuit judges of each county may meet en banc and adopt the schedule of fines and
10 participation in the centralized bureau pursuant to this section. Notice of such adoption and
11 participation shall be given in the manner provided by supreme court rule. Upon order of the
12 supreme court, the associate circuit judges of each county may meet en banc and establish and
13 maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and
14 villages electing to have violations of its municipal ordinances heard by associate circuit judges,
15 pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500.
16 The schedule of fines adopted for violations of municipal ordinances may be modified from time to
17 time as the associate circuit judges of each county en banc deem advisable. No fine established
18 pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for
19 such violation.

20 2. In no event shall any schedule of fines adopted pursuant to this section include offenses
21 involving the following:

- 22 (1) Any violation resulting in personal injury or property damage to another person;
23 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
24 drugs;
25 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
26 (4) Fleeing or attempting to elude an officer.

27 3. There shall be a centralized bureau to be established by supreme court rule in order to
28 accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws
29 and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines
30 established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and
31 payment of a fine, all court costs which would have been collected by the court of the jurisdiction
32 from which the violation originated.

33 4. If a person elects not to contest the alleged violation, the person shall send payment in the
34 amount of the fine and any court costs established for the violation to the centralized bureau. Such
35 payment shall be payable to the central violations bureau, shall be made by mail or in any other
36 manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and
37 a conviction for purposes of section 302.302, and for purposes of imposing any collateral
38 consequence of a criminal conviction provided by law. By paying the fine and costs, the person also
39 consents to attendance either online or in person at any driver-improvement program or
40 motorcycle-rider training course ordered by the court and consents to verification of such attendance
41 as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall

1 not be required to sign any information, ticket or indictment if disposition is made pursuant to this
2 subsection. In the event that any payment is made pursuant to this section by credit card or similar
3 method, the centralized bureau may charge an additional fee in order to reflect any transaction cost,
4 surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the
6 centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having
7 original jurisdiction over the offense. Any trial shall be conducted at the location designated by the
8 court. The clerk of the court in which the case is to be heard shall notify in writing such person of
9 the date certain for the disposition of such charges. The prosecutor shall not be required to sign any
10 information, ticket or indictment until the commencement of any proceeding by the prosecutor with
11 respect to the notice of violation.

12 6. In courts adopting a schedule of fines pursuant to this section, any person receiving a
13 notice of violation pursuant to this section shall also receive written notification of the following:

14 (1) The fine and court costs established pursuant to this section for the violation or
15 information regarding how the person may obtain the amount of the fine and court costs for the
16 violation;

17 (2) That the person must respond to the notice of violation by paying the prescribed fine and
18 court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by
19 law may attach for failure to appear and dispose of the violation. The supreme court may modify the
20 suggested forms for uniform complaint and summons for use in courts adopting the procedures
21 provided by this section, in order to accommodate such required written notifications.

22 7. Any moneys received in payment of fines and court costs pursuant to this section shall not
23 be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of
24 those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid
25 to the centralized bureau shall be maintained by the centralized bureau, invested in the manner
26 required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and
27 disbursed as provided by the constitution and laws of this state. Any interest earned on such fund
28 shall be payable to the director of the department of revenue for deposit into a revolving fund to be
29 established pursuant to this subsection. The state treasurer shall be the custodian of the revolving
30 fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch
31 of state government for goods and services related to the administration of the judicial system.

32 8. Any person who receives a notice of violation subject to this section who fails to dispose
33 of such violation as provided by this section shall be guilty of failure to appear provided by section
34 544.665; and may be subject to suspension of driving privileges in the manner provided by section
35 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to
36 either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time
37 allotted by this section, for purposes of application of section 544.665. The centralized bureau shall
38 also notify the department of revenue of any failure to appear subject to section 302.341, and the
39 department shall thereupon suspend the license of the driver in the manner provided by section
40 302.341, as if notified by the court.

41 9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau

1 and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of
2 court costs payable to courts, in order to collect fines and court costs for violations subject to this
3 section."; and
4

5 Further amend said bill, Page 10, Section 544.157, Line 42, by inserting after all of said
6 section and line, the following:
7

8 "577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or
9 (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test
10 allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in a proceeding
11 pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The request of the
12 officer shall include the reasons of the officer for requesting the person to submit to a test and also
13 shall inform the person that evidence of refusal to take the test may be used against such person and
14 that the person's license shall be immediately revoked upon refusal to take the test. If a person when
15 requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney,
16 the person shall be granted twenty minutes in which to attempt to contact an attorney. If upon the
17 completion of the twenty-minute period the person continues to refuse to submit to any test, it shall
18 be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the
19 notice of license revocation personally upon the person and shall take possession of any license to
20 operate a motor vehicle issued by this state which is held by that person. The officer shall issue a
21 temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also
22 give the person a notice of such person's right to file a petition for review to contest the license
23 revocation.

24 2. The officer shall make a certified report under penalties of perjury for making a false
25 statement to a public official. The report shall be forwarded to the director of revenue and shall
26 include the following:

27 (1) That the officer has:

28 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while
29 in an intoxicated or drugged condition; or

30 (b) Reasonable grounds to believe that the person stopped, being under the age of
31 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one
32 percent or more by weight; or

33 (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one
34 years, was committing a violation of the traffic laws of the state, or political subdivision of the state,
35 and such officer has reasonable grounds to believe, after making such stop, that the person had a
36 blood alcohol content of two-hundredths of one percent or greater;

37 (2) That the person refused to submit to a chemical test;

38 (3) Whether the officer secured the license to operate a motor vehicle of the person;

39 (4) Whether the officer issued a fifteen-day temporary permit;

40 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the
41 right to file a petition for review, which notices and permit may be combined in one document; and

1 (6) Any license to operate a motor vehicle which the officer has taken into possession. 3.
2 Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take
3 the test for a period of one year; or if the person is a nonresident, such person's operating permit or
4 privilege shall be revoked for one year; or if the person is a resident without a license or permit to
5 operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a
6 license or permit for a period of one year.

7 4. If a person's license has been revoked because of the person's refusal to submit to a
8 chemical test, such person may petition for a hearing before a circuit division or associate division of
9 the court in the county in which the arrest or stop occurred. The person may request such court to
10 issue an order staying the revocation until such time as the petition for review can be heard. If the
11 court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director
12 of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the
13 privilege to operate a motor vehicle in this state and the director shall maintain possession of the
14 person's license to operate a motor vehicle until termination of any revocation pursuant to this
15 section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the
16 county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the
17 hearing the court shall determine only:

18 (1) Whether or not the person was arrested or stopped;

19 (2) Whether or not the officer had:

20 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in an
21 intoxicated or drugged condition; or

22 (b) Reasonable grounds to believe that the person stopped, being under the age of
23 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one
24 percent or more by weight; or

25 (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one
26 years, was committing a violation of the traffic laws of the state, or political subdivision of the state,
27 and such officer had reasonable grounds to believe, after making such stop, that the person had a
28 blood alcohol content of two-hundredths of one percent or greater; and

29 (3) Whether or not the person refused to submit to the test.

30 5. If the court determines any issue not to be in the affirmative, the court shall order the
31 director to reinstate the license or permit to drive.

32 6. Requests for review as provided in this section shall go to the head of the docket of the
33 court wherein filed.

34 7. No person who has had a license to operate a motor vehicle suspended or revoked
35 pursuant to the provisions of this section shall have that license reinstated until such person has
36 participated in and successfully completed a substance abuse traffic offender program defined in
37 section 577.001, or a program determined to be comparable by the department of mental health or
38 the court. Assignment recommendations, based upon the needs assessment as described in
39 subdivision [(23)] (24) of section 302.010, shall be delivered in writing to the person with written
40 notice that the person is entitled to have such assignment recommendations reviewed by the court if
41 the person objects to the recommendations. The person may file a motion in the associate division of

1 the circuit court of the county in which such assignment was given, on a printed form provided by
2 the state courts administrator, to have the court hear and determine such motion pursuant to the
3 provisions of chapter 517. The motion shall name the person or entity making the needs assessment
4 as the respondent and a copy of the motion shall be served upon the respondent in any manner
5 allowed by law. Upon hearing the motion, the court may modify or waive any assignment
6 recommendation that the court determines to be unwarranted based upon a review of the needs
7 assessment, the person's driving record, the circumstances surrounding the offense, and the
8 likelihood of the person committing a like offense in the future, except that the court may modify but
9 may not waive the assignment to an education or rehabilitation program of a person determined to be
10 a prior or persistent offender as defined in section 577.023, or of a person determined to have
11 operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's
12 blood. Compliance with the court determination of the motion shall satisfy the provisions of this
13 section for the purpose of reinstating such person's license to operate a motor vehicle. The
14 respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be
15 necessary unless directed by the court.

16 8. The fees for the substance abuse traffic offender program, or a portion thereof to be
17 determined by the division of alcohol and drug abuse of the department of mental health, shall be
18 paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in
19 addition to any fee charged for the program, a supplemental fee to be determined by the department
20 of mental health for the purposes of funding the substance abuse traffic offender program defined in
21 section 302.010 and section 577.001. The administrator of the program shall remit to the division of
22 alcohol and drug abuse of the department of mental health on or before the fifteenth day of each
23 month the supplemental fee for all persons enrolled in the program, less two percent for
24 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due
25 the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed
26 the annual rates established pursuant to the provisions of section 32.065, plus three percentage
27 points. The supplemental fees and any interest received by the department of mental health pursuant
28 to this section shall be deposited in the mental health earnings fund which is created in section
29 630.053.

30 9. Any administrator who fails to remit to the division of alcohol and drug abuse of the
31 department of mental health the supplemental fees and interest for all persons enrolled in the
32 program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued
33 on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest,
34 and penalties are not remitted to the division of alcohol and drug abuse of the department of mental
35 health within six months of the due date, the attorney general of the state of Missouri shall initiate
36 appropriate action of the collection of said fees and interest accrued. The court shall assess attorney
37 fees and court costs against any delinquent program.

38 10. Any person who has had a license to operate a motor vehicle revoked [more than once
39 for violation of the provisions of this section] under this section and who has a prior alcohol-related
40 enforcement contact, as defined in section 302.525, shall be required to file proof with the director of
41 revenue that any motor vehicle operated by the person is equipped with a functioning, certified

1 ignition interlock device as a required condition of license reinstatement. Such ignition interlock
2 device shall further be required to be maintained on all motor vehicles operated by the person for a
3 period of not less than six months immediately following the date of reinstatement. If the monthly
4 monitoring reports show that the ignition interlock device has registered any confirmed blood
5 alcohol concentration readings above the alcohol setpoint established by the department of
6 transportation or that the person has tampered with or circumvented the ignition interlock device,
7 then the period for which the person must maintain the ignition interlock device following the date
8 of reinstatement shall be extended for an additional six months. If the person fails to maintain such
9 proof with the director as required by this section, the license shall be rerevoked and the person shall
10 be guilty of a class A misdemeanor.

11 11. The revocation period of any person whose license and driving privilege has been
12 revoked under this section and who has filed proof of financial responsibility with the department of
13 revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice
14 from the director of revenue after one year from the effective date of the revocation. Unless proof of
15 financial responsibility is filed with the department of revenue, the revocation shall remain in effect
16 for a period of two years from its effective date. If the person fails to maintain proof of financial
17 responsibility in accordance with chapter 303, the person's license and driving privilege shall be
18 rerevoked and the person shall be guilty of a class A misdemeanor.

19 Section B. Because immediate action is necessary to ensure the safety of the citizens of this
20 state, the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of
21 this act, is deemed necessary for the immediate preservation of the public health, welfare, peace, and
22 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the
23 repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act,
24 shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later
25 occurs.

26 Section C. The repeal and reenactment of sections 302.060, 302.302, 302.304, 302.525,
27 476.385, and 577.041, and the repeal of sections 302.060, 302.304, and 302.525 of this act shall
28 become effective on March 3, 2014."; and

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.